

Notice of Allowability

Application No.

10/071,526

Applicant(s)

FORBES ET AL.

Examiner

Art Unit

Satish S. Rampuria

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/14/06.
2. ☒ The allowed claim(s) is/are 1-8, 11-13, 15, 17-20, 22-23, and 32-34 (renumbered as 1-21).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070205.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

This action is in response to the amendment filed on November 14, 2006.

Claims 1-8, 11-13, 15, 17-20, 22-23, and 32-34 are allowed.

Claims 9-10, 14, 16, and 21 are cancelled by the Applicant.

Claims 24-31 cancelled with this examiner's amendment.

Claims 1, 12, 13, 17, and 17 are amended by the Applicant.

New claims 33-34 added by the Applicant.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Cory A. Jones [Reg. No. 55,307] on January 23, 2007.

In the Specification

Please replace the cross reference to related application section on page 1 with the following:

CROSS REFERENCE TO RELATED APPLICATION

This application is a continuation of Forbes et al., U.S. Patent Application No. 09/099,570, now U.S. Patent No. 6,381,742, filed June 19, 1998, entitled, "Software Package Management," which is hereby incorporated herein by reference.

This application is related to U.S. Patent Application No. 08/764,040, now abandoned, entitled AUTOMATIC SOFTWARE DOWNLOADING FROM A COMPUTER NETWORK, filed on

December 12, 1996, and assigned to the assignee of the present application.

In the claims

Please cancel claims 24-31.

Please amend claims 12 as follows.

Claim 12 (Previously Presented),

° At line 1, delete [A computer-readable medium] and add -- A computer-readable storage medium --.

--END--

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

As pointed out by the Applicants in the Remark that the cited prior art (Stupek Jr. et al. [5,586,304] and Tyra et al. [5,493,682]) taken alone or in combination fail to teach, in combination with the other claimed limitations, *"responsive to determining the software associated with the software dependency is not present on the computer, acquiring, by a software package manager running on the computer, the software associated with the software dependency; after acquiring the software associated with the software dependency, updating a database at the computer indicating the software associated with the software dependency is installed on the computer; wherein at least one of the software dependencies specifies a plurality of software items forming a software package, wherein the software package comprises a mixture of native code components and platform-independent code components;*

Art Unit: 2191

wherein at least one of the software dependencies refers to a list comprising one or more other software dependencies; and wherein the acquiring the software associated with the software dependency comprises recursively processing the one or more other software dependencies” as recited in the independent claims 1, 12 and 17.

As pointed out by the Applicants in the Remark that the cited prior art (Stupek Jr. et al. [5,586,304] and Tyra et al. [5,493,682]) taken alone or in combination fail to teach, in combination with the other claimed limitations, *“responsive to determining the version installed at the computer is not sufficient, acquiring and installing, by a software package manager running on the computer, the software dependency, wherein the acquiring and installing the software dependency comprises recursively specifying the one or more other software dependencies; wherein the name of the software dependency is associated with a software package comprising a plurality of software components, wherein the plurality of software components comprises a mixture of native code components and platform-independent code components” as recited in the independent claim 13.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

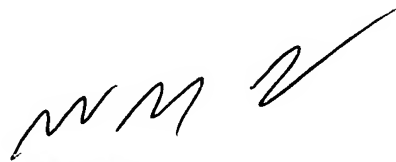
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satish S. Rampuria whose telephone number is (571) 272-3732. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner/Software Engineer
Art Unit 2191



WEI ZHEN
SUPERVISORY PATENT EXAMINER